

REMARKS

Claims 1-43 are pending. No amendments have been made by way of the present submission, thus, no new matter has been added.

In the outstanding Office Action the Examiner has required Applicants to elect one of the following groups pursuant to 35 U.S.C. §121:

- I. Claims 1-31, 41 and 42, drawn nucleic acid constructs coding for a fusion polypeptide to be selected from a variety of SEQ ID NOS: and protein types and a medical composition and compound capable of modulating an intracellular pathway;
- II. Claims 32-38, drawn to an apparatus for measuring the distribution of fluorescence;
- III. Claim 39, drawn to a method of screening for substances that affect an intracellular signaling pathway; and
- IV. Claims 40 and 43, drawn to a method of treating a condition or disease through the administration of a medicament.

Applicants respectfully submit that there is no undue burden placed upon the Examiner to search and consider the present claims in their entirety. However, in order to be fully responsive,

Applicants hereby elect Group III, directed to claim 39. As indicated above, this is an election with traverse.

Favorable action on the merits is respectfully solicited.


If the Examiner has any questions or comments, please contact Craig A. McRobbie (Registration No. 42,874) at the offices of Birch, Stewart, Kolasch & Birch, LLP.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$55.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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